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March 28, 2007

**VIA FACSIMILE**

To: Examiner Mark Huff  
Group Art Unit No. 1756  
U.S.P.T.O.

Facsimile No.: (571) 273-8300

From: Scott M. Tulino

Facsimile No.: (703) 761-2375 or 76


Re: Executed Declaration under 37 C.F.R. §1.132  
U.S. Patent Application Serial No. 10/662,340  
Our Reference: NGB.293

Dear Examiner Huff:

Attached is an Executed Declaration under 37 C.F.R. §1.132, which we request that you enter and consider.

Thank you in advance for your consideration on this case.

Very truly yours,

  
Scott M. Tulino  
Sean M. McGinn

SMT/SMM/emh  
Attachment

Total No. of Pages Transmitted: 4(including this cover sheet)

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Serial No.: 10/662,340  
Attorney Docket No.: H64-154706M/TNM  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Junji Kobayashi, et al.

Serial No.: 10/662,340                      Group Art Unit: 1756  
Filed: September 16, 2003                      Examiner: Janis L. Dote  
For: **ELECTROSTATIC CHARGE IMAGE DEVELOPING TONER AND IMAGE  
FORMING APPARATUS USING THE SAME**

**DECLARATION UNDER 37 C.F.R. § 1.132**

Honorable Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, Junji Kobayashi, Hirobumi Ouchi, Shigenori Yaguchi, Ryuichi Shimizu and

Tsuneaki Kawanishi, hereby declare and state:

THAT we are citizens of Japan residing at Ibaraki, Japan;

THAT we graduated from Tohoku University, Ibaraki University, Chuo University, a technical high school, and Shizuoka University, receiving a Bachelor of Engineering degree, a Bachelor of Engineering degree, a Bachelor of Engineering degree, a technical high school diploma, and a Master of Engineering degree, respectively;

THAT we are familiar with the Office Action dated January 12, 2007, where the Examiner objected to the amendment to the Specification filed on December 9, 2004 as allegedly introducing new matter into the Specification at page 29, line 12;

THAT we are co-inventors of the above-identified application;

With respect to the amendment to the specification, we state and declare that the original recitation of 85 wt% for binder resin in the Specification was a typographical error

Serial No. 10/662,340  
Docket No. H64-154706M/TNM  
Ref. No. NGB.293

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and that the correct weight percentage for the binder resin should have been recited as 84 wt% binder resin. We fully intended for the original specification to recite 84 wt%. Furthermore, we state and declare that the amendment to the Specification filed on December 9, 2004, replacing 85 wt% with 84 wt% merely corrected an obvious typographical error.

Therefore, we disagree with the Examiner's allegation that the amendment to the Specification filed on December 9, 2004 introduced new matter into the Specification.

We declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.


Date: March 23, 2007

  
Hajji Kobayashi

Date: March 23, 2007

  
Hirobumi Ouchi

Date: March 26, 2007

  
Shigenori Yaguchi

Date: March 23, 2007

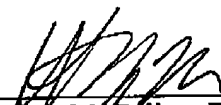
  
Ryuichi Shimizu

Date: March 26, 2007

  
Tsuneaki Kawanishi

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that I am filing this Declaration under 37 C.F.R. §1.132 by facsimile with the Automated Patent and Trademark Assignment System of the United States Patent and Trademark Office at fax number (571) 273-8300 this the 28th day of March 2007.

  
\_\_\_\_\_  
Scott M. Tulino, Esq.  
Registration No. 48,317  
Sean M. McGinn, Esq.  
Registration No. 34,386